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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,437	05/02/2008	Jean-Pierre Giraud	62357.022906	9607

32361 7590 08/02/2011  
GREENBERG TRAURIG (NY)  
MET LIFE BUILDING  
200 PARK AVENUE  
NEW YORK, NY 10166

EXAMINER
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RANDALL, JR., KELVIN L

ART UNIT	PAPER NUMBER
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3651

NOTIFICATION DATE	DELIVERY MODE
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08/02/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LucasCh@gtlaw.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/595,437	<b>Applicant(s)</b> GIRAUD, JEAN-PIERRE	
	<b>Examiner</b> KELVIN L. RANDALL, JR.	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 7-13 is/are allowed.
- 6) ☒ Claim(s) 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claim 6 is withdrawn in view of the newly discovered reference(s) to Gibilisco et al. (4,653,668). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Gibilisco et al. (4,653,668 - hereinafter Gibilisco).

Re Claim 6:

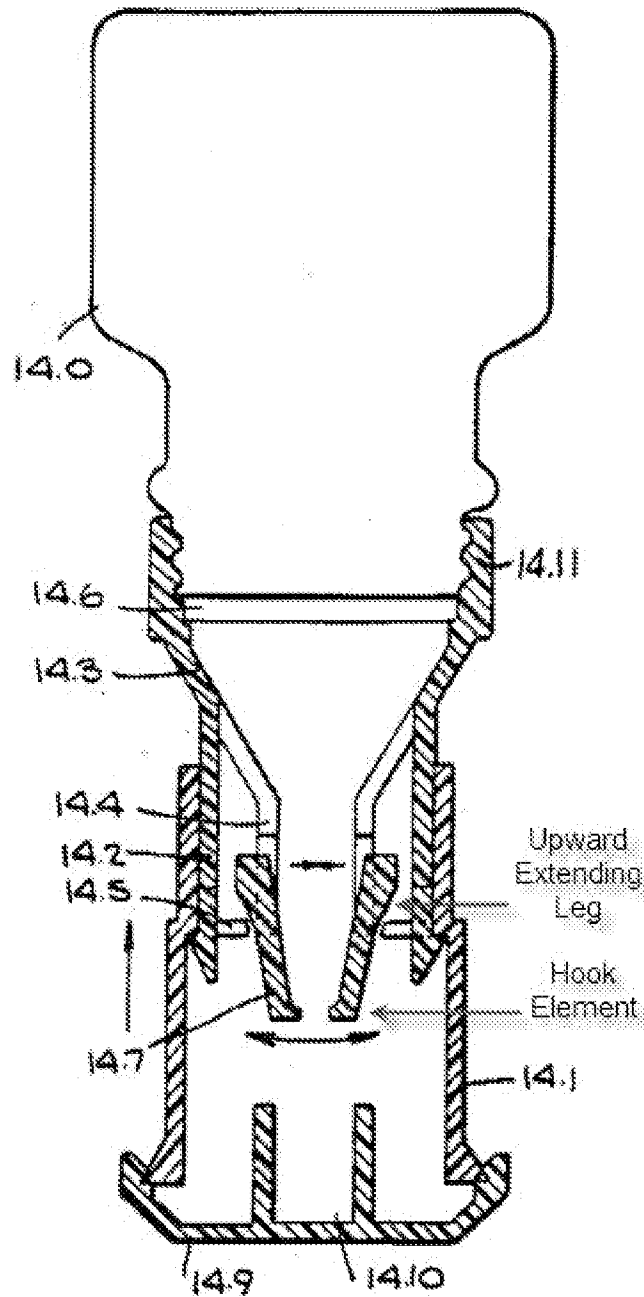
Gibilisco teaches a method for dispensing individual solid objects from a dispenser comprising the following steps: blocking tablets from being dispensed through an opening when the dispenser is at rest by employing a dispenser mechanism (14.11), the dispenser mechanism (14.11) has a container region (near 14.3), a lower housing (14.1), and a dispenser zone (near 14.4), the dispenser mechanism (14.11) has a lever mechanism (14.7) pivotally mounted in the dispensing zone (near 14.4), an interior of the lower housing (14.1) is provided with a pusher bar (14.5) which extends from a fore wall of the lower housing (14.1) back towards an upward extending leg of the lever mechanism

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(14.7 - see Examiner's Drawing showing upward extending leg), the pusher bar (14.5), upward extending leg and a hook element (see Examiner's Drawing showing hook element) are configured so that the pusher bar (14.5) is not in contact with the upward extending leg and the extending leg is set back from an opening (Examiner notes opening to be that which is adjacent (14.10)) situated on a fore wall (lowermost wall member at 14.9) of the lower housing (14.1) and the hook element of the lever mechanism (14.7) extends into the dispenser zone (near 14.4); applying sufficient force to a trigger mechanism (14.9) that contacts the dispenser mechanism (14.11) so that the dispenser mechanism (14.11) moves forward, towards the fore wall (lowermost wall member at 14.9) of the lower housing (14.1) and the upward extending leg of the lever mechanism (14.7) contacts the pusher bar (14.5), as the upward extending leg pivots in the direction (upwards) opposite the direction in which the dispenser mechanism (14.11) is moving (downwards), the hook element of the lever mechanism (14.7) pivots in the opposite direction (right to left clockwise/left to right counterclockwise) of the upward extending leg (left to right clockwise/ right to left counterclockwise) that results in allowing the tablet to pass through the opening (14.10) of the dispensing mechanism (14.11) (see Fig. 14).

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Fig. 14.



***Allowable Subject Matter***

4. Claims 1-5 and 7-13 are allowed.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KELVIN L. RANDALL, JR. whose telephone number is (571)270-5373. The examiner can normally be reached on Monday-Friday 8:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571)272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/  
Supervisory Patent Examiner, Art  
Unit 3651

/K. L. R./  
Examiner, Art Unit 3651